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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/913,869	08/20/2001	William Michael Scheper	7442	5587

27752 7590 06/07/2005

THE PROCTER & GAMBLE COMPANY  
INTELLECTUAL PROPERTY DIVISION  
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CINCINNATI, OH 45224

EXAMINER

PETRUNCIO, JOHN M

ART UNIT	PAPER NUMBER
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1751

DATE MAILED: 06/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/913,869

Applicant(s)

SCHEPER ET AL.

Examiner

John M. Petruncio

Art Unit

1751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1, 10-12, 15, 16, 18-26, 38 and 41-46 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 10-12, 15, 16, 18-26, 38 and 41-46 is/are rejected.
- 7) ☒ Claim(s) 38 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

## **DETAILED ACTION**

### ***Specification***

The amendment filed Dec. 4, 2004 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: certification is absent that the extensive replacement documents as introduced by the amendment contain disclosure that is identical to that of the document they purport to replace, such as the original provisional application.

Applicant is required to cancel the new matter in the reply to this Office Action or provide the adequate certification.

### ***Claim Objections***

Claim 46 objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim; claim 46 depends on cancelled claim 13. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 44 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

It is not seen where the composition of claim 10 is capable of accomplishing the bleaching called for by method of bleaching fabrics claim 44.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 10-12, 15-16, 18-26, 38, and 41-46 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Independent claim 1 defines detergent composition component b) as "an optional conventional detergent additive" and component e) as an "adjunct ingredient" which is construed as a required component in contradistinction to the optional inclusion of the b) component. Noting in particular that claim 26 refers to a "conventional detergent additive" as including identical components to those referred to by claim 43 directed to "detergent adjuncts", it is submitted that defining the invention in terms of an optional component and a required component where both cover the identical chemical entities renders the claims vague and indefinite; clarification and correction are required.

***Claim Rejections - 35 USC § 102***

Claims 1, 10-12, 15-16, 18-19, 22-23, 42-43 and 45 are rejected under 35 U.S.C. 102(b) as being anticipated by US Pat. 4,973,423 to Geke et al

The Geke et al '423 patent reference discloses, in relation to companion US Pat. 4,548,729..( col. 1 line 26 et seq), certain short-chain polyethylene glycol ethers having a terminally blocked C4 alkyl radical such as a butyl moiety (col. 2, line 53; col. 4, TABLE I) for use in cleaning compositions (including concentrates and solid mixtures.. col. 3, line 28) which include other ingredients typically present in such compositions , including wetting agents such as nonionic and anionic surfactants, builders and complexing agents, alkalis or acids, corrosion inhibitors, antimicrobial agents and organic solvents (col. 2, line 60 et seq). The subject polyethylene glycol ethers are defined as having a structure falling within that defining the formula for the capped nonionic surfactant according to claim 1 of the instant application; accordingly, the X/Y number greater than 1 is deemed to be inherent. Additionally, Geke et al disclosure of a conventional solid mixture is construed as a reference to a granular laundry composition having a conventional bulk density as called for in dependent claims 10 and 18. Accordingly, claims 1, 10-12, 15-16, 18-19, 22-23 and 42-43 and 45 are deemed anticipated by the Geke et al '423 reference.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 1751

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 20-21, 25, 41, 44 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Geke et al '423 as applied to claims 1, 10-12, 15-16, 18-19, 23-24 and 42-46 above, and further in view of WO 95/34633 to Lentsch et al/ECOLAB INC.

The Lentsch et al '633 reference discloses a detergent, for warewashing for example (p. 6, line 37) containing certain nonionic alcohol ethoxylates capped with preferably a butylene oxide cap present in 1-5 units ( p. 4, line 30 et seq; p. 18, line 8 et seq) and construed as falling within the formula for the capped nonionic surfactant called for by independent claim 1. The Lentsch et al '633 detergent also includes an alkali metal hydroxide (p. 7, line 29 et seq), a sequestrant (p. 8, line 26 et seq) and other conventional detergent components such as nonionic surfactant defoamers (p. 9, line 33 et seq), and an alkali metal silicate for soil suspension, alkalinity and corrosion protection. It is further disclosed that typically, five or six component compositions would further include a sequestering agent (p. 12, line 20); formulation numbers 1-4 at p. 20 disclose compositions which include surfactants and a bleaching agent in combination with BASF LF 221. Accordingly, at the time of the invention, one of ordinary skill in the art having the benefit of the Lentsch et al '633 reference teaching, would have found it obvious to include a conventional bleach and activator in the Geke et al composition as Lentsch et al teach its combination with the same butyl capped nonionic surfactants used by Geke et al. It would also have been obvious to include a

hydrotrope in the Geke et al organic solvent-containing embodiment as this is a conventional expedient to promote phase stability. Claims 20-21, 25, 41, 44 and 46 stand rejected .

***Allowable Subject Matter***

Claims 24 and 38 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John M. Petruncio whose telephone number is 571-272-1323. The examiner can normally be reached on 10:30Am-7:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on 571-272-1316. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

John M. Petruncio  
May 19, 2005

**MICHAEL BARR**  
**SUPERVISORY PATENT EXAMINER**

A handwritten signature in black ink, appearing to read 'M. Barr', with a long horizontal flourish extending to the right.